IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION Nos 1279, 1309 AND 2047 OF 2005

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WRIT PETITION NO : 1279 of 2005

Between:

T.C. Kalwani, S/o. Chhattaram Kalwani,
R/o. 1-9-325/10, Ramnagar gundu, Vidyanagar, Hyderabad.

..... PETITIONER

AND

1 The Accounts Officer, Andhra Pradesh TRANSCO, P.R.O. Office, V.S.T., Azamabad, Hyderabad.
2 The Divisional Engineer, Andhra Pradesh TRANSCO, P.R.O. Office, V.S.T., Azamabad, Hyderabad.
3 The Assistant Divisional Engineer, Andhra Pradesh TRANSCO, P.R.O. Office, V.S.T., Azamabad, Hyderabad.

4 D.Mahesh Chandra.

5 Suresh Chandra.

6 Ramesh Chandra.

7 Naresh Chandra.

(Respondents 4 to 6 are impleaded as per Court order dated 23.02.2005 in WPMP No.2882 of 2005)

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to

issue WRIT, order or direction more particularly in the nature of MANDAMUS or any other Writ declaring the action of the respondents as null and void in disconnecting the power supply for service connection Nos 21834 and 27923 for premises bearing No. 1-9-325/10 and 6, respectively Ramnagar Gundu, Vidyanagar, Hyderabad, and pass such other order or orders.

WRIT PETITION NO : 1309 of 2005

Between:

Sri. Seshagiri Rao S/o Late Narayana Murthy
R/o 1-9-325/9, Ramnagar Gundu, Vidyanagar, Hyderabad

..... PETITIONER

AND

1 The Accounts Officer A.P. TRANSCO, P.R.O. Office, V.S.T., Azamabad, Hyderabad
2 The Divisional Engineer, A.P. TRANSCO, P.R.O. Office, V.S.T., Azamabad, Hyderabad
3 The Assistant Divisional Engineer, A.P. TRANSCO, P.R.O. Office, V.S.T., Azamabad, Hyderabad
4 D. Mahesh Chandra S/o. late D. Srihari
1-9-286, Sree Vaidya Apartments, Flat No.101, Ramnagar Gundu, Vidyanagar, Hyderabad
5 Suresh Chandra S/o. late D. Srihari, 1-9-629, Sai Ram Nivas, Flat No.303, Ramnagar Gundu, Vidyanagar, Hyderabad
6 Ramesh Chandra S/o. late D. Srihari
1-9-326, Sree Durga Apartments, Flat No.303, Ramnagar Gundu, Vidyanagar, Hyderabad
7 Naresh Chandra S/o. late D. Srihari
1-9-286, Sree Vaidya Apartments, Flat No.302, Ramnagar Gundu, Vidyanagar, Hyderabad (RR 4 to7 are impleaded as per court order dt. 9-2-2005

in WPMP 2858 of 2005)

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ, order or direction more particularly in the nature of Mandamus or any other writ declaring the action of the respondents as null and void in disconnecting the power supply for service connection No. V6021835 for premises bearing No. 1-9-325/9, Ramnagar Gundu Vidyanagar, Hyderabad and pass such other order or orders

WRIT PETITION NO : 2047 of 2005

Between:

1 R. Ramaiah, S/o. Late R. Ramaiah,
R/o. 1-9-325/11, Ramnagar, Gundu, Vidyanagar, Hyderabad.
2 R. Ravinder, S/o. R. Ramaiah,
R/o. 1-9-325/11, Ramnagar, Gundu, Vidyanagar, Hyderabad.

..... PETITIONER(S)

AND

1 The Accounts Officer, A.P. Transco, P.R.O. Office,
V.S.T. Azambad, Hyderabad.
2 The Divisional Engineer, A.P. Transco, P.R.O. Office,
V.S.T. Azambad, Hyderabad.
3 The Asst. Divisional Engineer, A.P. Transco, P.R.O. Office,
V.S.T. Azambad, Hyderabad.
4 D. Mahesh Chandra, S/o.Late D. Srihari,
r/o. 1-9-286, Sree Vaidya Apartments, Flat No. 101, Ramnagar Gundu, Vidyanagar,
Hyderabad.
5 Suresh Chandra, S/o. Late D. Srihari,
r/o. 1-9-629, Sree Ram Nivas, Flat No. 303, Ramnagar Gundu, Vidyanagar,
Hyderabad.
6 Ramesh Chandra, S/o. Late D. Srihari,
r/o. 1-9-326, Sree Durga Apartments, Flat No. 201, Ramnagar Gundu, Vidyanagar,
Hyderabad.
7 Naresh Chandra, S/o. Late D. Srihari,
r/o. 1-9-286, Sree Vaidya Apartments, Flat No. 302, Ramnagar Gundu, Vidyanagar,
Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue WRIT, Order or direction more particularly in the nature of MANDAMUS or any other Writ declaring the action of the respondents No. 1 to 3 as null and void in disconnecting the power supply on 4-1-2005 for service connection No. V 027924 for premises bearing No. 1-9-325/11, situated at Ramnagar Gudu, Vidyanagar, Hyderabad, and pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case

Counsel for the Petitioners in all W.Ps:MR.THAKUR SINGH

Counsel for the Respondents 1 to 3 in all the W.Ps: MR.M.SREERAMULU REDDY

Counsel for the Respondents 4 to 7 in all the W.Ps.: Mr R.A.Achutanand

The Court at the admissions stage made the following :

COMMON ORDER:

The petitioners in these three writ petitions are the tenants of respondents 4 to 7, impleaded in each of the writ petitions. The premises are facing a road, which was identified for widening. During the process of widening, some parts of the premises are said to have been demolished and some of the premises are not affected at all. Obviously at the request of the Municipal Corporation and to avoid mishaps, the power supply to the said three premises was disconnected by respondents 1 to 3.

The petitioners claim that even after the widening of the road and demolition of the affected portions, it is compatible for them to continue as tenants and respondents 4 to 7 with a view to get rid of the tenants have got the power supply disrupted. They also state that they have filed suits to protect their possession and in certain cases, respondents 4 to 7 have also filed suits in relation to the same premises. They seek restoration of power supply to the premises, in these circumstances.

Heard learned counsel for the petitioners, learned Standing Counsel for respondents 1 to 3 and Sri R.A.Achuthanand for respondents 4 to 7.

The narrow controversy in these writ petitions is about the entitlement of the petitioners to receive the power supply to the premises in question. The entitlement of the petitioners to remain in possession of the same, that too, in the context of demolition of substantial part thereof, is the subject matter of various suits. This Court cannot express any opinion as to the rights of the parties in such proceedings. The fact remains that the petitioners are continuing in partly demolished premises on

the strength of the orders of the civil Court.

Inasmuch as the continuance of the petitioners is on the strength of the orders of the civil Courts, this Court is of the view that no prejudice, as such, would be caused to the respondents, in case the power supply is directed to be restored and continued, till the petitioners are evicted pursuant to any orders that may be passed in the pending proceedings. It has to be made clear that the costs for restoration of the supply shall be exclusively borne by the petitioners and no liability, as such, shall remain on the part of respondents 4 to 7, by the time the petitioners vacate the premises.

Hence, the writ petitions are disposed of, directing respondents 1 to 3 to restore the power supply to the petitioners, subject to such terms as they intend to, depending on the categories and nature of power supply. Such restoration shall be without prejudice to the rights of the parties in the pending suits. It is also made clear that it shall be under obligation of the petitioners to clear the entire liability towards respondents 1 to 3, on account of such restoration of power supply by the time they vacate the premises. There shall be no order as to costs.

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23.02.2005

Note: Issue C.C. in three days.

(B/o)

Jsu

To

1 The Accounts Officer, A.P. Transco, P.R.O. Office,
V.S.T. Azambad, Hyderabad.
2 The Divisional Engineer, A.P. Transco, P.R.O. Office,
V.S.T. Azambad, Hyderabad.
3 The Asst. Divisional Engineer, A.P. Transco, P.R.O. Office,
V.S.T. Azambad, Hyderabad.

4 2 CD copies.